

A Regular Meeting of the Marilla Town Board was held May 13, 2004 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Councilman  
Warren Handley, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

#### **Communications**

None

#### **Committee Reports**

Councilman Gertz reported for Highway Superintendent Dave Pierce that he had talked to Rick Reed from Erie County Highway and the Three Rod Road culvert and blacktopping would be redone in about three weeks by the company that did the original work.

Supervisor Foss commented that big trash pick-up was last week and he commended Dave's Department for doing a great job.

Councilman Spanitz reported that there will be a Youth Group meeting for the Sesqui-centennial next week.

Councilman Gertz reported that the County is having a hazardous material drop off day on June 19<sup>th</sup> at Erie Community College South Campus and a drop off day on June 22<sup>nd</sup> for computer recycling.

Councilman Handley reported that Memorial Pavilion Board has purchased a new sign for the Pavilion area, it matches the other new signs around other Town Buildings. We are also looking to landscape around the Pavilion hopefully before the first Concert on Friday, May 21st which will be the Iroquois Middle School Chorus & Orchestra. He also stated that any brick orders received by June 10<sup>th</sup> will be installed in the walkway before the Sesqui-Centennial celebration. If anyone would like any concert or brick order information they can call Mrs. Sally Kutter at 652-7608. He reported that everything is in order for Memorial Day the Town will be providing hot dogs and beverages at no cost and they will be served by the Kiwanis Club.

Councilman Specht reported that the phone line for the Community Center and Historical Society will have an 805 exchange and should be installed in the next few weeks.

Supervisor Foss reported that he attended a conference at Houghton College today along with Councilman Specht, Councilman Gertz and Code Enforcement Officer John Fronczek. He feels this is the best conference in the area, the \$30 fee which includes lunch is well worth the information you receive from the classes. He stated the Sesqui-Centennial is moving along smoothly, the next tentative meeting is set for June 14<sup>th</sup>, 7:30 p.m. for the executive committee and 8:00 p.m. for the general meeting.

#### **Open Board Presentations From the Public**

None

#### **Old Business**

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve Minutes from the Regular Meetings held on 4/8/04 and the Special Meeting held on 4/20/04. Motion Carried.

**New Business**

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the following resolution:

WHEREAS, the Town of Marilla is the owner of a certain parcel of land conveyed to it by deeds recorded in the Erie County Clerk's Office in Liber 7896 of Deeds at page 385 and under Map Cover 2277 for purposes of road construction by a developer; and

WHEREAS, due to subsequent development such parcel can no longer be developed as a Town Highway as it has been blocked by such subsequent development and no longer can be connected to other highways; and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board hereby determines that the above mentioned parcel is no longer needed for Town purposes and is surplus property.
2. That the Town Board does hereby authorize the sale of such property to Jeffrey J. Funk and Kelly M. Geary and the owners of the property abutting the surplus property being sold who will each be acquiring said surplus property sold for a sum of \$50.00; which sum the Board determines to be fair and adequate consideration. The purchasers shall pay the recording fees and all legal fees associated with recording the Deeds with the Erie County Clerk. This sum includes closing costs without a survey or updated abstract.
3. This resolution shall be subject to permissive referendum.
4. The Town Clerk is directed to publish a copy of this resolution in the official newspapers of the Town of Marilla and post a copy on the Official Sign Board of the Town within ten (10) days of the adoption of this Resolution.

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Gertz – Aye

Councilman Specht – Aye

Councilman Handley – Aye

Supervisor Foss – Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to authorize the Town Clerk to advertise the bid for upgrading the electric service at the Town Hall. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to approve the following resolution:

WHEREAS, the Town of Marilla has established and operates a Town Court that generates revenue through the imposition of fines and penalties for the Town of Marilla that the Town depends on for its annual budget; and

WHEREAS, the New York State Senate (Senate Bill S.6056) and New York State Assembly (Assembly Bill A. 9556) have introduced legislation that would interfere with the operation of the Marilla Town Court by significantly reducing the fines and penalties retained by the Town;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board feels that the proposed legislation is an improper interference with the Town Court and thereby strongly opposes the proposed legislation.
2. That the Town Board urges its local senators and Assemblypersons to oppose the proposed legislation.
3. The Town Clerk is directed to mail copies of this resolution to the Town's Senators and Assemblypersons.

Roll Call Vote:

Councilman Spanitz – Aye  
Councilman Specht – Aye  
Supervisor Foss - Aye  
Motion Carried.

Councilman Gertz – Aye  
Councilman Handley – Aye

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve bid for landscape work at the Memorial Pavilion by TJ Bednarski located at 284 Schwartz Road, Lancaster, NY 14086 at a cost of \$2,698.  
Motion Carried

Motion: Councilman Spanitz moved, seconded by Councilman Specht to approve the Firemen eligibility list for the Service award. Motion Carried.

**Report of Town Officials**

Town Engineer Marie Nowak reported that R & D Engineering who have been conducting the study for the southeast water district will have a preliminary report in the next week, it looks like this district may be very expensive.

Building Inspector John Fronczek submitted a written report with 12 building applications received totaling fees of \$1,500.00 building permits issued with a value of \$182,500, 13 inspections were made, and 2 complaints were acted on. A total of 187 acts of official business were made for the month of March. Two Zoning Board applications received with a fee of \$250.

Planning Board minutes were received and posted, Chairman Debbie Zimmerman stated they are finishing up the sign regulations and there will be two new proposals before the Board at next Thursday's meeting.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company representative Mike Buehlman reported that they are preparing for the Sesqui Centennial celebration. He stated that the reflective house numbers are now in and any resident that would like them installed should contact Lee Dobins or Ronald Bourgeois Jr. from the Fire Company. Residents would only have to pay \$15 to reimburse the Fire Company for the materials.

Town Historian Hubert Kutter stated that the Historical Society received artifacts such as an old stove, heater, and diaries. He wanted to thank Dave and his crew for helping to move them

Councilman Specht urged citizens to write letters to State Assemblyperson Sandra Lee Wirth and Senator Dale Volker in support of the Towns Resolution against the proposed legislation interfering with the operation and fees retained by the Town Court.

Councilman Gertz stated that the reflective numbers are on display at the Fire Gargage and Rec Hall.

Councilman Spanitz stated that residents can drop off bottles and cans at Carla Miley's on Two Rod Road for a fundraiser for the Sesqui-Centennial.

Supervisor Foss welcomed County Legislature Denise Marshall to our meeting and thanked her for the funds that we will be receiving soon, due to her assistance. He stated that there are two major projects that have come before the Town, a 14 unit subdivision near the Town Park and a golf course with 127 residential units from Leon Berner on Clinton Street. There will be public hearings on both of these proposals in the future and the Town Board will need public input.

Open Board Presentations

Mrs. Zielinski residing at 11263 Bullis Road and Mrs. Arnone residing at 11253 Bullis complained that Ron Summers residing at 11254 Bullis is running a construction business from his home. They stated that they had talked with the Town previously about this matter and are concerned about the trucks coming in and out of the property. They provided the Town with an ad that Mr. Summers had placed listing his home address as the business location. They asked the Town Board if anything could be done seeing that the property is not zoned for business.

Supervisor Foss responded that he will contact Mr. Summers, he is only permitted to use the property for storage and not for daily business activities.

Mr. Hamm from Three Rod Road asked when the subdivision on Three Rod Road was proposed to the Town?

Supervisor Foss stated that it was brought to the Town this week and the Planning Board will look at it next Thursday at 7:30 p.m..

All claims have been previously reviewed by Councilman Handley and Councilman Gertz.

Motion: Councilman Handley moved, seconded by Councilman Gertz to approve the claims as follows:

General Fund Claims, Vouchers 165-223	\$	47,480.88
Highway Fund Claims, Vouchers 73-96	\$	12,378.82
Special Districts		
Sanitation (SR), Vouchers 42-58	\$	14,035.04
Special Fire, Voucher	\$	.00
Water District #2, Voucher 9	\$	2,406.84
Water District #3, Voucher 4	\$	1,306.94
Water District #4, Voucher 4	\$	789.34
Community Development PACE	\$	.00
Community Develop. HUD	\$	.00

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to adjourn the meeting at 8:05 p.m. Motion Carried.

Respectfully Submitted,

Town Clerk

Supervisor

Councilman

Councilman

Councilman

Councilman